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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
ROBERT CHERNEY, ET AL

ART UNIT: 1626
EXAMINER: KOSACK, JOSEPH R

APPLICATION NO: 10/776,828

CONFIRMATION NO. 3372

FILED: 02/11/2004

FOR: CYCLIC DERIVATIVES AS MODULATORS OF CHEMOKINE
RECEPTOR ACTIVITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action dated November 15, 2005, Applicants elect, with traverse, Group I, Claims 1 - 19, drawn to compounds of formula I. In response to the requirement to elect a single disclosed species, Applicants elect Example 147, page 282 of Table A as the species election. However, Applicants understand this requirement for election of species is for initial examination purposes only, in accordance with MPEP §803.02, and not a requirement to restrict the scope of the generic and subgeneric claims of this application to such species. If the Office Action is a requirement to restrict the scope of the generic and subgeneric claims to the elected species, Applicants traverse this requirement. Such a requirement would be improper for the reasons stated in MPEP §803.02, first paragraph. Upon a finding of allowability of the species, it is respectfully requested that the search be extended to the full extent of the invention as claimed. Applicants reserve the right to traverse the designation of the scope of an independent invention.